

Case No. F7713(V)
UNUS No. 03-0227-UNI

REMARKS

Reconsideration of the application is respectfully requested in view of the following remarks.

The Office has relied upon two references to allege obviousness of the present nutrition bar, US 6,063,432 (Maxwell) and US 4,451,488 (Cook). Reference is also made to the Whole Foods web-site by the Examiner.

Maxwell does disclose a health bar comprising soy protein which may be in the form of toasted grits, protein isolates or nuts (col.2 lines 43-47) although the soy should be present in various forms. Maxwell also discloses the use of carbohydrates (saccharides) of which maltitol and mannitol are disclosed as potential ingredients. The carbohydrates are disclosed on column 2 line 54 onwards. In column 3 lines 14-15 Maxwell discloses transition metal ions which may be added if desired.

The Office indicates that Maxwell does not disclose soy protein specifically in the form of nuggets. The Office also does not point to teaching by Maxwell of the use of the lower polyols (e.g. diols or triols as opposed to mannitol).

Cook (US 4,451,488) discloses cereal bars which may comprise glycerol or propylene glycol. Cook discloses using a combination of polyhydric alcohols to lower the water activity of the bar (col.3 lines 17-24).

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The Office points to no teaching in Cook of use of glycerol/propylene glycol in bars comprising high levels of protein, especially in such bars comprising soy and/or rice protein.

Given the above, it is unclear why one of ordinary skill in the art would chose the glycerol of Cook to include in Maxwell's soy and/or rice protein bars. Even less would one choose the triols of present claim 7.

As to claim 14, the Office points to no teaching in Maxwell of the water activity of his nutrition bars and gives no indication of the advantages associated with having a low Aw. Cook does disclose bars having an Aw in the range of 0.2-0.55 (see abstract, col.2 lines 43-48) but the Office points to no teaching that these bars should include high levels of protein, let alone high levels of soy or rice protein. Therefore, Applicants submit that the person of ordinary skill in the art would not combine the teaching of Maxwell and Cook to arrive at the subject matter of claim 14.


Claim 16 recites at least one transition metal or transition metal compound which is in a substantially water insoluble form at 20°C. The Office points to no teaching in Cook concerning the possibility of including transition metals (compounds) nor of any teaching by Maxwell to use such insoluble materials when trying to address the technical problem with which the present invention is concerned. Thus, claim 16 is not rendered obvious by the teaching of either Cook or Maxwell when taken alone or in combination.

An IDS will follow shortly. In view of the foregoing, it is respectfully requested that the

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rejections be withdrawn.

Respectfully submitted,



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